



U.S. Citizenship
and Immigration
Services

(b)(6)

AUG 02 2013

Office: NEBRASKA SERVICE CENTER

FILE:

IN RE:

Petitioner:

Beneficiary:

PETITION: Immigrant Petition for Alien Worker as a Member of the Professions Holding an Advanced Degree or an Alien of Exceptional Ability Pursuant to Section 203(b)(2) of the Immigration and Nationality Act, 8 U.S.C. § 1153(b)(2)

ON BEHALF OF PETITIONER:

INSTRUCTIONS:

Enclosed please find the decision of the Administrative Appeals Office (AAO) in your case.

This is a non-precedent decision. The AAO does not announce new constructions of law nor establish agency policy through non-precedent decisions. If you believe the AAO incorrectly applied current law or policy to your case or if you seek to present new facts for consideration, you may file a motion to reconsider or a motion to reopen, respectively. Any motion must be filed on a Notice of Appeal or Motion (Form I-290B) within 33 days of the date of this decision. **Please review the Form I-290B instructions at <http://www.uscis.gov/forms> for the latest information on fee, filing location, and other requirements.** See also 8 C.F.R. § 103.5. **Do not file a motion directly with the AAO.**

Thank you,


f Ron Rosenberg
Acting Chief, Administrative Appeals Office

DISCUSSION: The Director, Nebraska Service Center, denied the immigrant visa petition and the matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner seeks classification pursuant to section 203(b)(2) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(2), as a member of the professions holding an advanced degree. The petitioner asserts that an exemption from the requirement of a job offer, and thus of a labor certification, is in the national interest of the United States. The director found that the petitioner had not established that an exemption from the requirement of a job offer would be in the national interest of the United States.

In Part 2 of the Form I-290B, Notice of Appeal or Motion, counsel for the petitioner checked box "A" indicating "My brief and/or additional evidence is attached." Therefore, the appellate submission constitutes the entire appeal. The petitioner, however, did not submit a brief or other documentation on appeal except for a copy of the director's denial notice.

Part 3 of the Form I-290B includes a space to "[p]rovide a statement explaining any erroneous conclusion of law or fact in the decision being appealed." Counsel states:

THE RECORD REFLECTS THAT [THE PETITIONER'S] WORK AS A PHYSICIAN AND RESEARCHER IN ONCOLOGY ADN [sic] STEM CELL TRANSPLANTATION HAS SUBSTANTIAL INTRINSIC MERIT, IS NATIONAL IN SCOPE, AND THAT HE WILL SERVE THE NATIONAL INTEREST TO A GREATER DEGREE THAN A WORKER HAVING MINIMUM QUALIFICATIONS.

Counsel's statement fails to identify any erroneous conclusion of law or fact in the director's decision. Counsel does not specifically challenge any of the director's findings or point to specific errors in the director's analyses of the documentary evidence. In addition, counsel does not explain how the specific documentation that the petitioner submitted supports a finding of eligibility. A passing reference without substantive arguments is insufficient to raise that ground on appeal. *Desravines v. U.S. Atty. Gen.*, 343 Fed.Appx. 433, 435 (11th Cir. 2009).

As stated in 8 C.F.R. § 103.3(a)(1)(v), an appeal shall be summarily dismissed if the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal. The petitioner has not specifically addressed the reasons stated for denial and has not provided any additional evidence pertaining to his eligibility for the classification sought. The appeal must therefore be summarily dismissed.

ORDER: The appeal is dismissed.